

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3   ROBIN ALICE HARRISON,

Case No.: 3:19-cv-0690-MMD-WGC

4           Plaintiff

**Order**

5   v.

6   SOCIAL SECURITY APPEALS COUNSEL,

7           Defendants  
8

9           Plaintiff has filed an application to proceed in forma pauperis (IFP). (ECF No. 1.) Her  
10 application indicates she intends to proceed with an action against the Social Security Appeals  
11 Council; however, the IFP application was not accompanied by a complaint.

12           Plaintiff is advised that federal courts have sole jurisdiction to conduct judicial review of  
13 the Social Security Administration's final determination, but only once there is a final  
14 determination following the exhaustion of all administrative remedies. *See* 42 U.S.C. § 405(g).  
15 The process generally is as follows: After a claimant files an application for disability benefits, a  
16 disability examiner makes the initial decision on the claimant's application. *See* 20 C.F.R. §§  
17 404.900(a)(1); 416.1400(a)(1). If the agency denies the claim initially, the claimant may request  
18 reconsideration of the denial, and the case is sent to a different disability examiner for a new  
19 decision. *See* 20 C.F.R. §§ 404.900(a)(2), 416.1400(a)(2). If the agency denies the claim on  
20 reconsideration, the claimant may request a hearing and the case is sent to an ALJ who works for  
21 the Social Security Administration. *See* 20 C.F.R. §§ 404.900(a)(3), 416.1400(a)(3). The ALJ  
22 issues a written decision after the hearing. *See* 20 C.F.R. § 404.900(a)(3). If the ALJ denies the  
23 claim, the claimant may request review by the Appeals Council. *See* 20 C.F.R. §§ 404.900(a)(4),

1 416.1400(a)(4). If the Appeals Council determines there is merit to the claim, it generally  
2 remands the case to the ALJ for a new hearing. If the Appeals Council denies review, the  
3 claimant can file an action in the United States District Court. *See* 42 U.S.C. § 405(g); 20 C.F.R.  
4 §§ 404.900(a)(5), 416.1400(a)(5).

5 Plaintiff has **30 days** from the date of this Order to file a complaint. The correct  
6 defendant, assuming Plaintiff has exhausted all administrative stages of review and has received  
7 a final decision from the Appeals Council, is the Acting Commissioner of Social Security, Nany  
8 Berryhill. If Plaintiff does not file a complaint within 30 days, this action may be dismissed.

9 **IT IS SO ORDERED.**

10 Dated: November 18, 2019

11 

12 

---

William G. Cobb  
United States Magistrate Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23